HOMAS CARROLL, ET AL. AMENDED MOTTO	+ NO. 06-778 (GMS)
HOMAS CARROLL, ET AL. AMENDED MOTTO	+ NO. 06-778 (GMS)
AMENDED MOTTO	
AMENDED MOTO	
16/TT 11/15 0.0. / ++ 1	NTOR PRELIMINARY
FEDERAL TULES	OF CIVIL PROCEDURE
# 65	
SATE: 3/7/08	SBITT SOGGZZ
FILED	DEL. CORR. CENTE
The second secon	1181 PAODOCK P
MAR 1 2 2008	SMYRNA, DE 199
U.S. DISTRICT COURT DISTRICT OF DELAWARE	

- ON 5/17/07 DR. CAVANNAUHTHE PSYCHIATRIST

 AT THE DEL. CORR. CENTER RETITIONED TO THE

 DELAWAPE SUPERIOR COURT IN AND FOR NEW CASTLE CO.,

 TO HAVE THE PLAINTIFF JIMMIE LEWIS TRANSFERED

 TO THE DEL. PSYCH CENTER FOR TREATMENT, SAID

 PETITION STATES THAT THE PLAINTIFF WAS TO

 CONTINUE PEREIVING TREATMENT UNIT A HEARING

 IS CONDUCTED. BY THE TUDGE WHOM ISSUED THE

 ORDER, JUDGE DEGGY L. ABLEMAN. DETERMINING THAT

 THE PLAINTIFF IS COMPETENT AWD OR WILL ENOUGH

 TO BE RETURNED TO THE DEL. CORR. CENTER!

 SEE SUPERIOR COURT CRIMINAL DOCKET SHEET # 122

 ID NO, 0305016966; SEE ATTACHED
- 2.) ON DEC 14, 2008 WHILE PECCIVING TREATMENT
 FOR 1th 5 PSYCHOLOGICAL DILEMMA'S, THE PLAINTIFF
 WAS ASSAULTED BY TWO DEFILERS THAT DEFENDANT
 THOMAS CARROLL SENT TO THE DEL. PSYCH CENTER.
 IN ORDER TO TRANSFER THE PLAINTIFF BACK
 TO THE DEL. CORR. CENTER & BECAUSE THE PLAINTIFF
 HAS FILED CIVIL COMPLAINTS AGAINST NUMEROUS
 D.O.C. I.C. DEPT OF CORR., OFFICERS, I.C.,
 ITHMMIE LEWIS VS. THOMAS CARROLL, ET AL,
 O6-778 (GMS), AND THE DEFENDANT ARE AWARE
 THAT THE PLAINTIFF COMPLETED HIS LEVEL 5
 SENTENCE ON 12/9/07, BUT HAVE ACTED IN
 THE AFOREMENTIONED MANNER ALONG WITH
 MISINTERPRETIONS THAT THE PLAINTIFF 9 SHOULD HAVE
 BEGUN HIS 6 MONTHS LEVEL 4 ON OR ABOUT 12/10/07
 FOLLOWED BY 6 MONTHS LEVEL 3, BECAUSE THEY,
 THE DEFENDANTS INTEND TO DO ME IRREPARABLE HAAM.

SAID TIZANSTER WAS AGAINST MY WILL.

CONT # 2.)

1 ST , 14TH AND

9TH U.S.CA RIGHT VIOLATION

ASSAULT AND BATTERY , KIDNAPPING

- 3.) BEFORE BEING TRANSFERED TO THE DEC. PSYCH CENTER ON 6/6/07; THE BEFENDANTS REPORTED AN AFFIRAUNT TO THE COURT STATING I WAS ON THE WATTING UST TO BE PLACED ON THE PROTECTIVE CUSTODY UNIT, SHU 18 B UNIT, BUT AS OF TO DATE THE PLAINTIFF HAS NOT BEEN PLACED ON THE PROTECTIVE CUSTODY UNIT? BYT INMATES SUCH AS EVIN? WHO SIGNED UNTO PROTECTIVE CUSTODY FEB MARCH 2008 HAS HAS MARGIN BEEN PLACED ONTO SHU 18 B UNIT?
- J SINCE MY RETURN TO DEL. CORR. CENTER

 I HAVE BEEN DEN'ED MENTAL HEALTH INTERVENTION
 WHEN ON 2/26/08 I REDUCESTED TO BE

 PLACED ON THE PROTECTIVE CUSTODY UNIT, DUE

 TO HAVING AN ANXIETY PELATED PANIC ATTACK
 BECAUSE MY SAFETY WAS AND OR IS IN JEOPARDY
 ON THE REGULAR S. HU. SECURITY HOUSING UNITS.
 APON PROJECTIVE CUSTODY AT 10:00 PM THE
 VLAINTIPP WAS SHACKLED AND HANDCUFFED FOR
 TWELVE HOURS IN THE SHU D UNIT CONFERENCE
 ROOM, PLACED ON LEVEL ONE PSYCH CLOSE OBSERVATION
 BY CAPT BURTON. BUT THAT MOURNING OF 2/27/08

 DR. A CANNOLLI AND CLINICIAN MR. GIBBS INSTRUCTED
 SECURITY TO PLACE ME BACK INTO THE CELL,—

CONT # 4) OF CIVIL COMPLANT THE PLANTINE FLOW ABAINS HIM. EVEN THOUGH THE TITE! WERE INFORMED BY SECURITY THAT THE PLANTINE WAS DEEMED A HARMFUL THEFAT TO HIM SELF AND OTHERS. 1STY ETH U.S.CA RIGHT WOLLATION. 5.) HOURS AFTER GEING PLACED BACK IN TO SHU 17, AH C ROOM, THE PLANTINE WAS ESCOLTED TO BULLDING 20 SHU, WHORE MR. 6168 D. C.C. BA MENTAL HEALTH CUNICIAN INSTRUCTED SECURITY TO TAKE ME TO 1SOLATION SHU 18 C UNIT LOWER 5. CELL AND PLACED ME IN HANDCUFFS AND SHACKLES BUTTH BLACKBOX FOR 24 HOURS. THIS CAUSED ME ATYPICAL AND SIGNIFICANT HARDSHIP, DUE TO THIS TREATMENT BEING CRUER, TO CONG, BEING ADMINISTERED ON ME AND NOT DITHER INMATES IN THE FACILITY AT THE D. C.C. INFORMARY OR ISOLATION UNIT. INTUPIES: MY WRIST SWOL UP LIKE MITTENS, MY WRIST, NECK, BACK, ANKLES WERE SWOLEN AND IN PAIN OF USCRATE INDIFFERENCE	NOTE: DR. A. CAMPOUL DID THIS BECAUSE
SECURITY THAT THE PLAINTIFF WAS DEEMED A HARMFUL THERAT TO HIM SELF AND OTHERS. 1ST & STH U.S.C.A. RIGHT VIOLATION. 5) HOURS AFTER BEING PLACED BACK IN TO SHU IT, AHC ROOM, THE PLAINTIFF WAS ESCORTED TO BULLOING 20 SHU, WHERE MR. 6188 D.C.C. BAT MENTAL HEALTH CUNICIAN INSTRUCTED SECURITY TO TAKE ME TO 150LATION SHU 18 C UNIT LOWER 5. CELL AND PLACED ME IN HANDCUSTS AND SHACKLES BUITH BLACKBOX FOR 24 HOURS THIS CAUSED ME ATYPICAL AND SIGNIFICANT HARDSHIP, DUE TO THIS TREATMENT BEING CRUEL, TO CONG, BEING ADMINISTERED ON ME AND NOT DITHER INMATES IN THE FACILITY AT THE D.C.C. INFRMARY OR ISOLATION UNIT. INTURIES: MY WRIST SNOW UP LIKE MITTENS MY WRIST NEEK, BACK, ANKLES WERE SWOLEN AND IN PAIN	CONT # 4.) OF CIVIC COMPLAINT THE VUMNIPPATION HOLLINS HOME
HARMFUL THEFAT TO HIMSELF AND OTHERS. 1STJETH U.S.CA PIGHT VIOLATION. 5) HOURS AFTER BEING PLACED BACK IN TO SHU 17, AHC ROOM, THE PLANNIFF WAS ESCOPTED TO BULLOING 20 SHU, WHERE MR. GIBB D. C.C. PAR MENTAL HEALTH CUNICIAN INSTRUCTED SECURITY TO TAKE ME TO ISOLATION SHU IS CUNIT LOWER 5. CELL AND PLACED ME IN HAND CUTTS AND SHACKUES WITH BLACKBOX FOR 24 HOURS. THIS CAUSED ME ATYPICAL AND SIGNIFICANT HARDSHIP, DUE TO THIS TREATMENT BEING CRUER, TO LONG, BEING ADMINISTERED ON ME AND NOT OTHER INMATES IN THE FACILITY AT THE D.C.C. INFIRMARY OR ISOLATION UNIT. INTURIES: MY WRIST SNOW UP LIKE MITTENS, MY WRIST NEEK, BACK, ANKLES WERE SWOLEN AND IN PAIN	EVEN THOUGH THEY WERE INTERMED BY
HARMFUL THEFAT TO Him SELF AND OTHERS. 1 STJE TH U.S.CA PIGHT VIOLATION. 5) HOURS AFTER BEING PLACED BACK IN TO SHU 17, AHC ROOM, THE PLANTIFF WAS ESCOPTED TO BULLOING 20 SHU, WHERE MR. GIBB D. C.C. PAR MENTAL HEALTH CUNICIAN INSTRUCTED SECURITY TO TAKE ME TO ISOLATION SHU IS CUNIT LOWER 5 CELL AND PLACED ME IN HAND CUFFS AND SHACKUES WITH BLACKBOX FOR 24 HOURS. THIS CAUSED ME ATYPICAL AND SIGNIFICANT HARDSHIP, DUE TO THIS TREATMENT BEING CRUER, TO LONG, BEING ADMINISTERED ON ME AND NOT OTHER INMATES IN THE FACILITY AT THE D.C.C. INFIRMARY OR ISOLATION UNIT. INTURIES: MY WRIST SNOW UP LIKE MITTENS, MY WRIST NEEK, BACK, ANKLES WERE SWOLEN AND IN PAIN	SEZURITY THAT THE PLAINTIFF WAS DEFENSED A
1 STARTH U.S.CA PIBLY VIOLATION. 5.) HOURS AFTER BEING PLACED BACK IN TO SHU IT, AIT C ROOM, THE PLANTIFF WAS ESCORTED TO BULLOING 20 SHU, WHERE MR. 6188 D.CC BY MENTAL HEALTH CLINICIAN INSTRUCTED SECURITY TO TAKE ME TO ISOLATION SHU IS C UNIT LOWER 5. CELL AND PLACED ME IN HANDCUFFS AND SHACKLES WITH BLACKBOX FOR 24 HOURS. THIS CAUSED ME ATYPICAL AND SIGNIFICANT HARDSHIP, DUE TO THIS TREATMENT BEING CRUER, TO CONG, BEING ADMINISTERED ON ME AND NOT DITHER INMATES IN THE FACILITY AT THE D.C.C INFIRMARY OR ISOLATION UNIT. INTURIES: MY WRIST SWOL UP LIKE MITTENS, MY WRIST NECK, BACK, ANKLES WERE SWOLEN AND IN PAIN	
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SHU 17, AHC ROOM, THE PLANTIFF WAS ESCORTED TO BULLOING 20 SHU, WHERE MR. GIBB D. CC POR MENTAL HEALTH CUNICIAN INSTRUCTED SECURITY TO TAKE ME TO ISOLATION SHU 18 C UNIT LOWER 5 CELL AND PLACED ME IN HANDCUFFS AND SHACKES BUITH BLACKBOX FOR 24 HOURS. THIS CAUSED ME ATYPICAL AND SIGNIFICANT HARDSHIP, DUE TO THIS TREATMENT BEING CRUER, TO CONG, BEING ADMINISTERED ON ME AND NOT DITHER INMATES IN THE FACILITY AT THE D. C. C. INFIRMARY OR ISOLATION UNIT. INTUPLES: MY WRIST SNOW UP LIKE MITTENS, MY WRIST, NEEK, BACK, ANKLES WERE SWOLEN AND IN PAIN	
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MR. 6188 D. C.C. PAR MENTAL HEALTH CLINICIAN INSTRUCTED SECURITY TO TAKE ME TO ISOLATION SHU 18 C UNIT LOWER 5 CELL AND PLACED ME IN HANDCUFFS AND SHACKLES BUITTH BLACKBOX FOR 24 HOURS. THIS CAUSED ME ATYPICAL AND SIGNIFICANT HARDSHIP, DUE TO TITLS TREATMENT BEING CRUER, TO CONG, BEING ADMINISTERED ON ME AND NOT OTHER INMATES IN THE FACILITY AT THE D. C. C. INFIRMARY OR ISOLATION UNIT. INTUPIES: MY WRIST SWOL' UP LIKE MITTENS, MY WRIST NECK, BACK, ANKLES WERE SWOLEN AND IN PAIN	ESCORTED TO BULLDING 20 SHU, WHERE
INSTRUCTED SECURITY TO TAKE ME TO ISOLATION SHU 18 C UNIT LOWER 5 CELL AND PLACED ME IN HANDCUFFS AND SHACKLES WITTH BLACKBOX FOR 24 HOURS THIS CAUSED ME ATYPICAL AND SIGNIFICANT HARDSHIP, DUE TO TTHS TREATMENT BEING CRUEL, TO CONG, BEING ADMINISTERED ON ME AND NOT OTHER INMATES IN THE FACILITY AT THE D.C.C. INFRMARY OR ISOLATION UNIT. INTURIES: MY WRIST SWOL UP LIKE MITTENS, MY WRIST NEEK, BACK, ANKLES WERE SWOLEN AND IN PAIN	MR. 61BB D. CC BY MENTAL HEALTH CLINICIAN
ISOLATION SHU 18 C UNIT LOWER 5 CELL AND PLACED ME IN HANDCUFFS AND SHACKES WITH BLACKBOX FOR 24 HOURS: THIS CAUSED ME ATYPICAL AND SIGNIFICANT HARDSHIP, DUE TO 17thS TREATMENT BEING CRUEL, TO LONG, BEING ADMINISTERED ON ME AND NOT DITHER INMATES IN THE FACILITY AT THE D. C.C. INFREMARY OR ISOLATION UNIT. INTUPIES: MY WRIST SWOL' UP LIKE MITTENS, MY WRIST NEEK, BACK, ANICLES WERE SWOLEN AND IN PAIN	
AND PLACED ME IN HANDCUFFS AND SHACKLES BUITTH BLACKBOX FOR 24 HOURS. THIS CAUSED ME ATYPICAL AND SIGNIFICANT HARDSHIP, DUE TO TTHIS TREATMENT BEING CRUEL, TO CONG, BEING ADMINISTERED ON ME AND NOT DITHER INMATES IN THE FACILITY AT THE D. C. C. INFRMARY OR ISOLATION UNIT. INTUPIES: MY WEIST SWOL' UP LIKE MITTENS, MY WRIST NECK, BACK, ANKLES WERE SWOLEN AND IN PAIN	ISOLATION SHU 18 CUNIT LOWER 5 CELL
WITH BLACKBOX FOR 24 HOURS. THIS CAUSED ME ATYPICAL AND SIGNIFICANT HARDSHIP, DUE TO TTHIS TREATMENT BEING CRUER, TO LONG, BEING ADMINISTERED ON ME AND NOT OTHER INMATES IN THE FACILITY AT THE D.C.C INTERMARY OR ISOLATION UNIT. INTUPIES: MY WRIST SWOL UP LIKE MITTENS, MY WRIST NECK, BACK, ANKLES WERE SWOLEN AND IN PAIN	AND PLACED ME IN HANDCUFFS AND SHACKLES
THIS CAUSED ME ATYPICAL AND SIGNIFICANT HARDSHIP, DUE TO THIS TREATMENT BEING CRUER, TO CONG, BEING ADMINISTERED ON ME AND NOT OTHER INMATES IN THE FACILITY AT THE D. C. C. INFRMARY OR ISOLATION UNIT. INTURIES: MY WRIST SWOL' UP LIKE MITTENS, MY WRIST NECK, BACK, ANKLES WERE SWOLEN AND IN PAIN	WITH BLACKBOX FOR 24 HOURS.
HARDSHIP DUE TO THIS TREATMENT BEING CRUEL, TO CONG, BEING ADMINISTERED ON ME AND NOT OTHER INMATES IN THE FACILITY AT THE D.C.C INFIRMARY OR ISOLATION UNIT. INTUPIES: MY WRIST SWOL' UP LIKE MITTENS, MY WRIST NECK, BACK, ANKLES WERE SWOLEN AND IN PAIN 8TH U.S.CA PIGHT VIOLATION	
CRUEL, TO CONG, BEING ADMINISTERED ON ME AND NOT DITHER INMATES IN THE FACILITY AT THE D.C.C. INFIRMARY OR ISOLATION UNIT. INSUPERS: MY WRIST SWOL' UP LIKE MITTENS, MY WRIST NECK, BACK, ANKLES WERE SWOLEN AND IN PAIN 8TH U.S.CA PIGITT VIOLATION	HARDSHIP DUE TO THIS TREATMENT BEING
AND NOT OTHER INMATES IN THE FACILITY AT THE D. C.C. INFIRMARY OR ISOLATION UNIT. INSUPERS & MY WRIST SWOL' UP LIKE MITTENS, MY WRIST NECK, BACK, ANKLES WERE SWOLEN AND IN PAIN 8TH U.S.CA RIGHT VIOLATION	CRUEL, TO CONG, BEING ADMINISTERED ON ME
D. C.C INFIRMARY OR ISOLATION UNIT. INSUPERS & MY WRIST SWOW UP LIKE MITTENS, MY WRIST NECK, BACK, ANKLES WERE SWOLEN AND IN PAIN 8TH U.S.CA RIGHT VIOLATION	AND NOT OTHER INMATES IN THE FACILITY AT THE
INTUPIES: MY WEIST SWOL' UP LIKE MITTENS, MY WRIST NECK, BACK, ANJELES WERE SWOLEN AND IN PAIN 8TH U.S.CA PIGIT VIOLATION	D.C.C INFIRMARY OR ISOLATION UNIT.
MY WRIST NECK, BACK, ANKLES WERE' SWOLEN AND IN PAIN 8TH U.S.CA PIGITT VIOLATION	INTURIES: MY WRIST SWOL UP LIKE MITTENS
8-14 U.S.CA PIGHT VIOLATION	MY WRIST NECK , BACK , ANKLES WERE
· · · · · · · · · · · · · · · · · · ·	SWOLEN AND IN PAIN
	874 U.S.CA PIGIT VIOLATION

- 6) ON 3/6/08 SAM "PITBULL" HARRIS ENTERCO
 THE SITU IS CUNIT LOWER 6, THEREAFTER
 LT FORBES HANDED INMATE HARRIS WHAT APPEARED
 TO BE A KNIFE, AND OR A SHANK.
- 7.) ALSO, ON 3/6/08 A D.C.C CORRECTIONAL OFFICER WAS PLACED INTO SHU18 CLOWER 9 CELL.
- 8.) THE PLAINTIFF BELIEVES IHIS SAFETY IS IN JEODARDY

 BECAUSE OF THESE PERSONS, SEE #'S 6 AND 7.

 THE PLAINTIFF IS THE KEY AND PRINCIPAL WITNESS

 IN ACTION NO. 64-1350 GMS, 05-013 GMS,

 AND 06-778 (6MS), AGAINST SEVERAL STATE

 EMPLOYEES AND IS A HIGH PROFILE INMATE.

 THE PLAINTIFF'S SAFETY IS ESSENTIAL WITH THE

 PROSECUTION OF SAID CIVIL ACTIONS "TOTALING MIRE THAN" 70 DEFENDANT

 DUE TO THE MAGNITUTE OF THE PLAINTIFF'S

 CIVIL ACTION AGAINST STATE EMPLOYEES, HIS

 SAFETY IS AT PLISK OTH + 1ST U.S CAPIGHT WOLATION.
- 9) THE PLAINTIFF HAS PRESENTED PLEADINGS, DISCOVERY
 DOCUMENTS THAT VALIDATE MATERIAL FACT FOR TRIAL.

 AND THE DEFENDANTS KNOW THIS CAND THEIR

 ACTIONS PRESENTED HEREIN AS WELL AS WHATS

 STATED IN THE CIVIL ACTIONS PROVE THAT THE

 DEFENDANTS HAVE LITTLE OR NO REGARD FOR

 THE PLAINTIPPS CONSTITUTIONAL PL(1+TS, SEE # 8.
- 10.) THE PLAINTIFF TOLD LT. FORBS THAT HE BELIEVED

 SAID INMATES AND OR PERSONS POSED A THREAT

 TO HIS PITYSICAL SAFETY, SEE PARAGRAPHS IT'S 6 AND 7

· RELIEF SOUGHTO

FOR AN OPDER FOR THE DEPENDANTS)

FOR A PREUMINARY INJUNCTION OF:
BEING TRANSFERED BACK TO THE
DEL. PSYCH CENTER UNTIL JUDGE
PEGGY L. ABLEMAN CONDUCTS A HEARING AS
IS NOTED IN DR. CAVANNAUGHS 5/17/07
MOTION TO HAVE THE PLAINTIFF COMMITTED
THEO FOR TIZE ATMENT, IMMEDIATELY!

TO BE PLACED ON THE FEDERAL WITNESS PROTECTION PROGRAM, IMMEDIATELY.

TO BE PECERSE TO ITIS NEXT LEUTZ OF COMMTTMENT LEVEZ 3 PROBATION TOLLING THE PLAINTIPFS TIME SINCE 12/9/07, EVERY DAY AT LEVEL 5 IS TWO DAYS AT LEVEL 4, IMMEDIATELY. TOLLING TO DATE RECEIVED.

INTERSTATE TRANSPER TO NEW JERSEY IR NORTH CAROLINA, IMMEDIATELY.

A TEMPORARY RESTRAINING ORDER AGAINST SAID PERSON NAMED HEREIN. AS WELL AS THE DEL CORR CENTERS STAFF

FOR CLEARIFICATION THAT THE I YEAR LEVEL S AND I YEAR LEVEL 4, IS IN TURN SUSPENDED FOR 6 MONTHS LEVEL 4 AND 6 MONTHS LEVEL 3. AND AFTER 3/9/08 PLAINTIPPS INCAPCERATION AT LEVEL S IS ILLEGAL.

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I, THE UNDERSIGNED PLAINTIFF JIMMIE LEWIS

DUE HEREBY CERTIFI ON THIS 7th DAYOF MARCH

2008, THAT I DID MAIL ONE TRUE AND CORRECT

CUPY OF THE AMENDED MOTION FOR PRELIMINARY

INJUNCTION #2, BY U.S POSTAL, TO EARLY

OF THE FOLLOWING &

CLERK OF THE COURT U.S DISTRICT COURT 844 N. KING ST, LOCKBOX 18 NILMINGTON, DE 19801

DEDUTY ATTORNEY GENTRAL ANN TROSS ESC 820 N. FRENCH ST, 1TH FZ WILMINGTON, DE 19801

DATE: 3/7/08

SBI#506622 DEL COZR.CENTER 1181 PADDOCK RD SMYRNA, DE 19977 Case 1:06-cv-00778-GMS Document 61-2 Filed 03/12/2008 Page 1 of 15

> DCC Delaware Correctional Center Smyrna Landing Road **SMYRNA DE, 19977** Phone No. 302-653-9261

Date: 02/27/2008

CL 5

GRIEVANCE REPORT

OFFENDER GRIEVANCE INFORMATION

Offender Name: LEWIS, JIMMY

SBI#

: 00506622

Institution : DCC

Grievance #

: 150943

Grievance Date : 02/02/2008

Category

: Individual

Status

: Non Grievable

Resolution Status:

Resol. Date

Grievance Type: Staff Issues

Incident Date : 02/02/2008

Incident Time:

IGC

: Dutton, Matthew

Housing Location: Bldg 17 Lower

OFFENDER GRIEVANCE DETAILS

Description of Complaint: Inmate Claims: Upon being transferred back to the Dept of correction, Del Correctional center Correctional officers Morris and D. Jailliffe used excessive force upon me by placing me in a headlock that prevented me from breathing. Shackled and handcuffed me, then proceeded to yank the shackles and handcuffs causing my wrist and ankles to swell and bruise. There wasn't

any disciplinary report to support said officers actions.

Remedy Requested

For this matter to be investigated for abuse, neglect, mistreatment in violation the grievant U.S.C.A right as well as DOC standard operational procedures established under the color of the

INDIVIDUALS INVOLVED

SBI# Type

Name

ADDITIONAL GRIEVANCE INFORMATION

Medical Grievance: NO

Date Received by Medical Unit:

Investigation Sent: Grievance Amount: Investigation Sent To

: Hawkins, Karen D

Case 1:06-cv-00778-GMS

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Date: 02/27/2008

DCC Delaware Correctional Center Smyrna Landing Road **SMYRNA DE, 19977** Phone No. 302-653-9261

INFORMAL RESOLUTION OFFENDER GRIEVANCE INFORMATION

Offender Name: LEWIS, JIMMY

SBI#

: 00506622

Institution : DCC

Grievance #

: 150943

Grievance Date: 02/02/2008

Category

: Individual

Status

: Non Grievable

Resolution Status:

Inmate Status :

Grievance Type: Staff Issues **IGC** : Dutton, Matthew Incident Date : 02/02/2008 Incident Time:

Housing Location: Bldg 17, Lower, Tier A, Cell H, Single

INFORMAL RESOLUTION

Investigator Name : Hawkins, Karen D

Date of Report 02/14/2008

Investigation Report:

Reason for Referring:

Investigator Name : Satterfield, James P

Date of Report 02/14/2008

Investigation Report: I went to the medical station in building 20 and asked nurse Betty Bryant if she could pull inmate Jimmy Lewis #00506622 record and tell me if when he was returned from D.P.C. to D.C.C. and was he examined by medical, and if so was he injured in any way? I also told her I needed this information because of a grievance that inmate Lewis had submitted. Nurse Bryant checked inmate Lewis records and said that inmate Lewis returned to D.C.C. on December 17, 2007 from D.P.C. and that Dr. Okepkun, and nurse Sara Willis screened inmate Lewis according to the records. Nurse Bryant said that it is logged that the inmate Did not have any complaints, and that he was stable. The only thing listed about his hands is that their was an old scar. Inmate Lewis recorders do not show he was injured at all when he returned from D.P.C. to D.C.C.

I then asked for inmate Lewis to be brought to my office and I asked him about this grievance. The first thing I asked him was when did he receive the injuries he is claming to have received? Inmate Lewis said that when he came back to D.C.C from D.P.C. I said you have February 2, 2008 listed and you came back December 17, 2007. Inmate Lewis said that is when he remembered the best he could that it happened. I asked who were the officers, were they DCC staff or court and trans staff? Inmate Lewis said that he did not know. I then asked inmate Lewis where did the incident take place? Inmate Lewis said that it took place at D.P.C. he was sitting there when the officers put him in a choke hold so he could not breath and then cuffed him, and shackled him and then drugged him 30 or 40 feet, before the D.P.C. staff told them to stop. Inmate Lewis said that the officer did not bring his personal property, and did not have a court order to bring him back to D.C.C. The Judge order him to D.P.C. and no one can bring him back without a court order.

Reason for Referring: S/LT. Hawkins I believe that this is court and transfer staff that the grievant is talking about, and the date the inmate put on the grievance is not the right date of his transfer back to D.C.C from D. P. C. I checked with medical and inmate Lewis did not have any injuries when he returned from D.P.C. This grievance appears to be a false clam, because the staff involved did not bring his personal property from D.P.C., and he did not see a court order for him to be returned to D.C.C.

Investigator Name : Hawkins, Karen D

Date of Report 02/16/2008

Investigation Report:

Reason for Referring: S/LT. Hawkins I believe that this is court and transfer staff that the grievant is talking about, and the date the inmate put on the grievance is not the right date of his transfer back to D.C.C from D. P. C. I checked with medical and inmate Lewis did not have any injuries when he returned from D.P.C. This grievance appears to be a false clam, because the staff involved did not bring his personal property from D.P.C., and he did not see a court order for him to be returned to D.C.C.

Investigator Name

: Satterfield, James P

Date of Report 02/19/2008

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Date: 02/27/2008

DCC Delaware Correctional Center Smyrna Landing Road SMYRNA DE, 19977 Phone No. 302-653-9261

INFORMAL RESOLUTION

		OFFEN	NDER GRIEVANCE INFORMATION	
Offender N	lame : LEV	VIS, JIMMY	SBI# : 00506622	Institution : DCC
Grievance	# :150	943	Grievance Date : 02/02/2008	Category : Individual
Status		n Grievable	Resolution Status:	Inmate Status :
Grievance			Incident Date : 02/02/2008	Incident Time :
IGC	: Dut	ton, Matthew	Housing Location :Bldg 17, Low	ver, Tier A, Cell H, Single
Investigator Name : Satterfield, James P			•	02/19/2008
Investigation	on Report	continued from first part of	of the investigation dated 2/14/2008	
		he believed were workin officers. The E-Mail reads I spoke with Cpl lke Dorrefused to leave DPC, he I/M Lewis then told them force was used, no report The above statements ar	ris and he advised me that no 404 we and Cpl. Jelliffe grabbed I/m Lewis at he would go under his own power. Its were written, John Pennington, and the before statements from medical ansported back to DCC from DPC.	an E-Mail once he had talked to the ras done because when Jimmy Lewis arms, started him towards the exit and finere was no resistance and since no
Reason for	Referring]: 		
Offender'	e Sianatu	re:		
Ottender	a digitatu			
Date		:		
Witness (Officer)	:		

Case 1:06-cv-00778-GMS

Document 61-2

Filed 03/12/2008

Page 4 of 15 Date: 02/27/2008

DCC Delaware Correctional Center Smyrna Landing Road SMYRNA DE, 19977 Phone No. 302-653-9261

	OFFENDER GRIEVANCE INFORMATION
Offender Name : LEWIS, JIMMY	SBI# : 00506622 Institution : DCC
Grievance # : 150943	Grievance Date : 02/02/2008 Category : Individua
Status : Non Grievable	Resolution Status : Inmate Status :
Grievance Type: Staff Issues IGC : Dutton, Matthew	Incident Date : 02/02/2008 Incident Time : Housing Location : Bldg 17, Lower, Tier A, Cell H, Single
. Dation, Watthew	IGC
Medical Provider:	Date Ass i gned
	3
Comments:	·
This grievance returned because: Inves	stigation does not support allegation.
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This grievance returned because: Inves [] Forward to MGC [] Forward to RGC	etigation does not support allegation. [] Forward to Medical Provider [] Warden Notified Date Forwarded to MGC:



SUPERIOR COURT CRIMINAL DOCKET (as of 02/21/2008)

Page 14

State of Delaware v. JIMMY LEWIS

DOB: 12/25/1966

State's Atty: BRIAN J ROBERTSON , Esq. AKA: EMMANUEL E ELDER Defense Atty: JOHN S EDINGER , Esq. EMMANUEL E ELDER

Event

Event Judge No. Date

ORDER AND MOTION FOR PSYCHIATRIC/PSYCHOLOGICAL EVALUATION FILED. DEFENDANT SHALL UNDERGO A PSYCHIATRIC/PSYCHOLOGICAL EVALUATION BY STAFF AT: DELAWARE PSYCHIATRIC CENTER REASON: TREATMENT PER DR. CAVANAUGH'S LETTER OF 05/17/07 EVALUATION SHALL BE SUBMITTED TO COURT NO LATER THAN: (DEADLINE DATE) EVALUATION SHALL BE SUBMITTED TO: JUDGE ABLEMAN MASTER SHALL FORWARD EVALUATION TO COUNSEL; COUNSEL SHALL NOTIFY THE COURT WITHIN 10 DAYS WHETHER A COMPETENCY HEARING IS REQUIRED. IF NO NOTIFICATION, COURT WILL ASSUME HEARING IS UNNECESSARY, AND CASE WILL BE SCHEDULED AS APPROPRIATE. IF COUNSEL NOTIFIES COURT THAT A COMPETENCY HEARING IS REQUIRED, PROTHONOTARY SHALL CONSULT WITH COUNSEL AND SCHEDULE HEARING. THE CRIMINAL ASSIGNMENT JUDGE SHALL ASSIGN THE HEARING TO ANY JUDGE AVAILABLE.

05/24/2007

RECORDS SENT TO SUPREME COURT.

233, 2007

123 06/01/2007

RECEIPT FROM SUPREME COURT ACKNOWLEDGING RECORD.

06/27/2007 124

LETTER FROM JOHN EDINGER, ESQ TO JUDGE JURDEN. ENCLOSED PLEASE FIND MY REQUESTED RESPONSE TO THE ABOVE-CAPTIONED CASE.

AFFIDAVIT RESPONDING TO ALLEGATION OF INEFFECTIVE ASSISTANCE OF COUNSEL FILED.

FILED BY JOHN EDINGER, ESQ

REFERRED TO JUDGE JURDEN

126 10/23/2007

> LETTER FROM: JOSEPH C. SCHOELL TO: JUDGE ABLEMAN RE: LETTER WRITTEN ON BEHALF OF THE DELAWARE PSYCHIATRIC CENTER (DPC) CONCERNING JIMMIE LEWIS.

> 5/17/07 THE COURT ORDERED MR.LEWIS TRANSFERRED TO DPC FOR EVALUATION AND TREATMENT. CLINICAL STAFF SUBSEQUENTLY EVALUATED MR. LEWIS AND DEEMED HIM INAPPROPRIATE FOR TREATMENT THERE, AS INDICATED IN THE ENCLOSED FORENSIC PSYCHIATRIC EVALUATION. PRIOR TO COMPLETEION OF THE EVALUATION, COMM. REYNOLDS DETERMINED THAT THERE WAS INSUFFICIENT PROBABLE CAUSE TO INVOLUNTARY TREAT MR. LEWIS UNDER 16DEL.C.CH.50. DPC. REQUESTS TIME FOR ARGUMENT ON A MOTION TO MODIFY THE COURT'S EARLIER ORDER AND DIRECT MR. LEWIS'S TRANSFER BACK TO DEPARTMENT OF CORRECTION, OR ALTERNATIVELY, IF IT IS THE COURT'S PREFERENCE, SCHEDULE A TIME FOR A HEARING AT WHICH DPC CAN PRESENT TESTIMONY FROM A PSYCHIATRIST WHO HAS EVALUATED MR. LEWIS.

SUPERIOR COURT CRIMINAL DOCKET (as of 02/21/2008)

Page 15

State of Delaware v. JIMMY LEWIS DOB: 12/25/1966

State's Atty: BRIAN J ROBERTSON , Esq. AKA: EMMANUEL E ELDER Defense Atty: JOHN S EDINGER , Esq. EMMANUEL E ELDER

Event

No. Date Event Judge

*COMPLETE LETTER IN FILE

127 11/20/2007

MOTION FOR SENTENCE CLEARIFICATION AND MODIFICATION OF SENTENCE FILED PRO-SE.

REFERRED TO PRESENTENCE 12/03/07 FOR JUDGE ABLEMAN.

FILE TRACKER INDICATES THAT THE JUDGE REQUESTED FILE 10/25/07.

128 12/05/2007

MANDATE FILED FROM SUPREME COURT: SUPERIOR COURT JUDGMENT AFFIRMED. SUPREME COURT CASE NO: 233, 2007

SUBMITTED: SEPTEMBER 28, 2007

DECIDE: NOVEMBER 15, 2007

DEFORE BERGER, JACOBS AND RIDGELY, JUSTICES

129 12/05/2007 ABLEMAN PEGGY L.

ORDER: MOTION FOR MODIFICATION OF SENTENCE AND FOR SENTENCE CLARIFICATION IS DENIED.

THE MOTION WAS FILED MORE THAN 90 DAYS AFTER IMPOSITION OF THE SENTENCE AND IS, THEREFORE, TIME-BARRED.

PURSUANT TO SUPERIOR COURT CRIMINAL RULE 35(B), THE COURT WILL NOT CONSIDER REPETITIVE REQUESTS FOR REDUCTION OR MODIFICATION OF SENTENCE THE SENTENCE IS APPROPRIATE FOR ALL THE REASONS STATED AT THE TIME OF SENTENCING.

THE MOTION FOR CLARIFICATION IS ALSO DENIED.

130 12/18/2007

PETITION FOR A WRIT OF HABEAS CORPUS FILED (PRO SE)
REFERRED TO JUDGE ABLEMAN
DATE REFERRED: 12/19/2007

CIVIL CASE NO: 07M-12-053 PLA

131 12/20/2007 ABLEMAN PEGGY L.
ORDER: WRIT OF HABEAS CORPUS PETITION 07M-12-053 PLA: DENIED
IT IS SO ORDERED. PLA

132 02/14/2008

MOTION TO COMPEL THE DOC. TO TRANSFER DEFENDANT TO NEXT LEVEL OF PROBATION. REFERED TO JUDGE ABLEMAN.

ABLEMAN PEGGY L.

LETTER/ORDER ISSUED BY JUDGE: ABLEMAN. THE PETITION FOR ORDER TO

COMPEL THE DEPT. OF CORR., I.E. DEL.CORR CENTER TO TRANSFER PETITIONER

TO THE NEXT LEVEL OF HIS COMMITMENT, I.E., LEVEL (4) PLUMMER CENTER IS

DENIED.

THE COURT CAN NOT DIRECT THE DEPT OF CORRECTION TO MAKE A BED AVAILABLE IF ONE IS NOTL THAT IS PRECISELY WHY THE COURT ORDER SPECIFIES THAT THE DEFENDANT IS TO HOLD AT LEVEL V UNTIL SPACE IS AVAILABLE AT LEVEL IV. THERE ARE OTHER DEFENDANT'S IN THE SAME

SUPERIOR COURT CRIMINAL DOCKET (as of 02/21/2008)

Page 16

State of Delaware v. JIMMY LEWIS DOB: 12/25/1966

State's Atty: BRIAN J ROBERTSON , Esq. AKA: EMMANUEL E ELDER Defense Atty: JOHN S EDINGER , Esq. EMMANUEL E ELDER

Event

No. Date Event Judge

CITELLATION AND THE COURT CANNOT CIVIL OUT OPECIAL TRADITIONS FOR VOIL

SITUATION AND THE COURT CANNOT SINGLE OUT SPECIAL TREATMENT FOR YOU SIMPLY BECAUSE YOU HAVE WRITTEN TO COMPLAIN.

*** END OF DOCKET LISTING AS OF 02/21/2008 ***
PRINTED BY: CSCKWAL

SUPERIOR COURT OF THE STATE OF DELAWARE

PEGGY L. ABLEMAN JUDGE NEW CASTLE COUNTY COURTHOUSE 500 North King Street, Suite 10400 WILMINGTON, DELAWARE 19801-3733 TELEPHONE (302) 255-0660

February 20, 2008

Mr. Jimmie Lewis SBI# 506622 Delaware Correctional Center 1181 Paddock Road Smyrna, DE 19977

> RE: State v. Lewis

> > I.D. No. 0305016966

Dear Mr. Lewis:

The "Petition for Order to Compel the Dept of Corr., i.e. Del. Corr Center, to Transfer Petitioner to the Next Level of his Commitment, i.e., Level (4) Plummer Center" is denied. The Court cannot direct the Department of Corrections to make a bed available if one is not. That is precisely why the Court Order specifies that defendant is to "hold at Level V until space is available at Level IV." There are other defendants in the same situation and the Court cannot single out special treatment for you simply because you have written to complain.

Yours very truly,

Peggy L. Ableman

Reggy Latteman

PLA: jmd

Prothonotary cc:

Offender Status Sheet

Race: BLACK

Date: 02/28/2008

SB! #; 00506622

Offender Type: Sentenced

Name: JIMMY LEWIS

Sex: M

DOB: 12/25/1966

Sex Offender: []

Location(s): DCC

AKA:

EMMANUEL E ELDER

Level(s): 5,0

Officer(s):

							,				······································					
<u>V.</u>	John M.	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		A Company of the Comp			Level: 5	24, ₹.;					Asia in the			
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CASI		CRA#/		Charge D			Status/	L	engt	hi/Fi	Start Dt	MED	STRD	Adj Date	CR	Wk
Cour	t/ Type	Judge - Times	Win	Sen. Type	/ Sente	nce Date	Eff. Date	Υ.	Mã	D						
0305	016966	IN03060175		CARJACK	ING 2N	D	Current	5	۸	_	05/26/2003	05/25/2008	12/09/2007	12/09/200	7	
U7		Peggy L Ablema	an	STANDAF	RD.	02/11/2005	05/26/2003				00/20/2000	00/20/2000	12/03/2007	12/03/200	'	
03050	016966	IN03060176	0176 THEFT \$10		T \$1000 OR>		Current	1	0	0	05/25/2000	05/24/2000	11/01/2008	11/01/200		
Ū7	1	Peggy L Ablema	an	STANDAF	RD	02/11/2005	05/26/2003	'	0	U	03/23/2006	03/24/2009	11/01/2006	1 1/0 1/200		

Special Conditions:

opesiai conditi	U113.			
CRA#	Leve	Code	Condition Description	Condition Comments
IN03060175	5	CRT1	Other Conditions:	TO SERVE 5 YEARS LEVEL 5.
				AC
IN03060176	5	CRT1	Other Conditions:	TO SERVE 2 YEARS LEVEL 5, SUSPENDED AFTER 1 YEAR FOR
				1 YEAR LEVEL 4 PLUMMER CENTER, <u>SUSP</u> ENDED AFTER 6
				MONTHS FOR 6 MONTHS PROBATION LEVEL 3.
				AC

You are currently serving your 14R at level 5 for theft which will may out on 11/1-2008.

This notation is from Condy Wright of the records Dest D.CC.

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE IN AND FOR NEW CASTLE COUNTY

STATE OF DELAWARE

vs.

JIMMY LEWIS

Alias: No Aliases

DOB: 12/25/1966 SBI: 00506622

CASE NUMBER: 0305016966

CRIMINAL ACTION NUMBER: IN03-06-0175 CARJACKING 2ND(F) IN03-06-0176 THEFT \$1000 OR>(F) IN03-06-0177 RESIST ARREST(M)

SENTENCE ORDER

NOW THIS 11TH DAY OF FEBRUARY, 2005, IT IS THE ORDER OF THE COURT THAT:

The defendant is adjudged guilty of the offense(s) charged. The defendant is to pay the costs of prosecution and all statutory surcharges.

AS TO IN03-06-0175- : TIS CARJACKING 2ND

Effective May 26, 2003 the defendant is sentenced as follows:

- The defendant is placed in the custody of the Department of Correction for 5 year(s) at supervision level 5

Probation is concurrent to any probation now serving.

AS TO IN03-06-0176- : TIS THEFT \$1000 OR>

- The defendant is placed in the custody of the Department of Correction for 2 year(s) at supervision level 5
 - Suspended after serving 1 year(s) at supervision level 5
- **APPROVED ORDER** 1 November 19, 2007 14:11

STATE OF DELAWARE

vs.

JIMMY LEWIS

DOB: 12/25/1966 SBI: 00506622

- For 1 year(s) supervision level 4 PLUMMER CENTER
- Suspended after serving 6 month(s) at supervision level 4 PLUMMER CENTER
 - For 6 month(s) supervision level 3
 - Hold at supervision level 5
- Until space is available at supervision level 4 PLUMMER CENTER

Probation is concurrent to any probation now serving.

AS TO IN03-06-0177- : TIS RESIST ARREST

- The defendant is placed in the custody of the Department of Correction for 1 year(s) at supervision level 5
 - Suspended for 1 year(s) at supervision level 2

Probation is concurrent to any probation now serving.

SPECIAL CONDITIONS BY ORDER

STATE OF DELAWARE VS.

JIMMY LEWIS DOB: 12/25/1966 SBI: 00506622

> CASE NUMBER: 0305016966

The defendant shall pay any monetary assessments ordered during the period of probation pursuant to a schedule of payments which the probation officer will establish.

Have no contact with Patrick Geer

Defendant shall successfully complete anger management, counseling, treatment program.

The defendant shall undergo mental health evaluation and follow recommendation for counseling and treatment.

NOTES

Aggravating Circumstances - 2 or more violent felonies -Lack of Remorse

JUDGE PEGGY L ABLEMAN

FINANCIAL SUMMARY

STATE OF DELAWARE

vs.

JIMMY LEWIS

DOB: 12/25/1966 SBI: 00506622

> CASE NUMBER: 0305016966

SENTENCE CONTINUED:

TOTAL DRUG DIVERSION FEE ORDERED

TOTAL CIVIL PENALTY ORDERED

TOTAL DRUG REHAB. TREAT. ED. ORDERED

TOTAL EXTRADITION ORDERED

TOTAL FINE AMOUNT ORDERED

FORENSIC FINE ORDERED

RESTITUTION ORDERED

SHERIFF, NCCO ORDERED

SHERIFF, KENT ORDERED

SHERIFF, SUSSEX ORDERED

50.00 PUBLIC DEF, FEE ORDERED

PROSECUTION FEE ORDERED 100.00

VICTIM'S COM ORDERED

3.00 VIDEOPHONE FEE ORDERED

153.00 TOTAL

AGGRAVATING-MITIGATING

STATE OF DELAWARE VS.

JIMMY LEWIS

DOB: 12/25/1966 SBI: 00506622

CASE NUMBER: 0305016966

<u>AGGRAVATING</u>

LACK OF REMORSE

CLERK OF THE COURT

DELAWARE MILMINGTON

Page 15 of 15

hhHhhhHhHehhHHehhhhehhhhJimmie Lewis

SBI# 506622 UNIT SHU DELAWARE CORRECTIONAL CENTER

1181 PADDOCK ROAD SMYRNA, DELAWARE 19977